

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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GILES W. WITHERSPOON,	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION
	:	
COMMONWEALTH OF	:	NO. 12-2310
PENNSYLVANIA, <i>et al.</i>,	:	
Respondents.	:	
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ORDER

AND NOW, this 28th day of May 2013, after a careful and independent review of the Amended Report and Recommendation (Doc. No. 14), Petitioner's Objections (Doc. Nos. 15, 16), and the entire record in this case, and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** as follows:

1. Petitioner's Objections are **OVERRULED**;
2. The Amended Report and Recommendation is **APPROVED and ADOPTED**;
3. The Petition (Doc. No. 5) is **DENIED**; and
4. A Certificate of Appealability **SHALL NOT ISSUE**.

The Clerk of Court is directed to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.